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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,350	02/25/2000	Frank Leymann	GE999-002	7891
7590	03/25/2005		EXAMINER	
Anne V Dougherty 3173 Cedar Road Yorktown Heights, NY 10598			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
09/513,350	LEYMANN ET AL.	
Examiner	Art Unit	
Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 January 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 9-16 is/are rejected.

7) Claim(s) 6-8 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Final Office Action is in response to the amendment filed January 19, 2005. In the amendment, claims 1,14-16. No new claims were added or canceled. Claims 1-16 are pending in the application

### **Response to Arguments**

2. Applicant's arguments filed January 19, 2005 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 12-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Du et al "Du" (U.S. Patent No. 6,041,306).

As per claims 1-2, 14-15 and 16, Du discloses a computerized workflow management system (abstract) utilizing a process model comprising 1 or more activities as nodes of a graph, with directed edges ("arrows") defining a potential control flow with process model (Du; fig 9 and col. 6, line 12 and col. 12, lines 61-66; comprising:

analyzing process model to determine assignment of priority execution indicator (Du; col. 13, lines 1-15; Du discloses checking a priority queue for requests at each state/activity); launching execution of the activity according to the to the priority execution indicator (Du; col. 7, lines 45-54; col. 9lines 13-20).

As per claim 2, Du further teaches a when said analyzing step indicates that there is a priority execution indicator, said workflow management system setting its own execution priority (col. 7, lines 45-54; col. 9, lines 13-20).

As per claim 3, Du further discloses setting the priority of one or more messages relating to the processing of said activity are set to the execution priority specified according to said priority execution indicator (i.e. setting the task priority in a queue table for the task execution) (col. 11, lines 52-60).

As per claim 12, Du further discloses execution of said activity directly by calling said activity with said execution priority (i.e. judging the task priority number and extracting the task for execution) (col. 7, lines 45-54; col. 9, lines 13-20).

As per claim 13, Du further discloses transmitting message “instruction” for the task to be executed. Note column col. 7, lines 45-5.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatented over Du as applied to claim 1 above in view of Dong et al (U.S. Patent No. 6,424,948).

As per claims 4 and 5, Du discloses assigning an activity indicator to an activity “task” (see claim 1 above), but Du fails to explicitly disclose a priority execution specification for the activity (See claim 1 above. Dong discloses a workflow comprising a priority execution specification (col. 27, lines 27-45). It would have been obvious to a person of ordinary skill in the art to have modified the workflow system of Du to include a priority execution specification as taught by Dong. The motivation being so that the behavior of a workflow system can be more easily analyzed and understood.

7. Claims 9, 10 and 11 are rejected 35 U.S.C. 103(a) as being unpatentable over Du as applied to claims 1, 2 and 3 above in view of Kraft, IV et al (U.S. Patent No. 5,867,160) as set forth in the last Office Action mailed October 19, 2004.

Claims 9-11 Applicant further argues that the Kraft’s teachings clearly do not teach mapping the priority execution indicator. In response, the examiner respectfully disagrees with applicant’s arguments because Kraft clearly teaches mapping the prioritizing the execution priority. Note col. 7, lines 49 through col. 9, lines 7-47. Thus, it would have been obvious to a person of ordinary skill in the art to have modified the work flow system of Du by including a mapping priority indicator function as taught by Kraft, Iv et al. Doing so, would efficiently handle multiple tasks graphically in multitasking environments.

**Remarks**

10. Applicant asserted that there is nothing in the Du Patent which teaches or suggest the invention as claimed. Applicant further supported his assertion by arguing that Du does not analyze activities for priority execution indicators. In response, the examiner respectfully disagrees with applicant's argument in that Du does teach a priority queue and checking the priority queue, and the launching of an execution (i.e., since the priority queue is being checked, and the launching of an execution, it implies it implies an execution indicator). Note column 9, lines 4-20; and col. 13, lines 1-15 of Du.

Claims 4 and 5, Applicant further asserted that Du and Dong do not teach the claimed invention. Particularly, applicant asserted that Dong does not, however, teach that the characteristics are activity priority values. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., activity priority values) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Allowable Subject Matter**

8. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance:

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Prior art of record taken or in combination fails to teach when there is no priority execution specifications of said activity, analyzing for a priority execution specification of a performance sphere comprising said activity, said performance sphere comprising a sub-graph of said process model associating a process executing indicator to activities within said performance.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Volker et al ("Workflow Management based on Process Model Repositories"), disclose a workflow processing including process modeling.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to Commissioner of Patents and Trademarks, Washington, D.C 20231  
or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, and seventh floor receptionist.

RJ

March 7, 2005

  
ROMAIN JEANTY  
PRIMARY EXAMINER

  
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